



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

L&R
AMH (132)
11/9/05

In re Patent Application of

HORN et al.

Atty. Ref.: 1585-257

Appl. No. 09/748,144

TC/A.U. 2121

Filed: December 27, 2000

Examiner: R. Hartman, Jr.

For: **METHOD AND APPARATUS FOR AUTOMATED CRACK BEHAVIOR
PREDICTION DETERMINATION**

* * * * *

November 7, 2005

MAILSTOP L&R

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTN: LICENSING AND REVIEW

RECEIVED
NOV - 9 2005
LICENSING & REVIEW

Sir:

RESPONSE TO NOTICE

In response to the Notice dated October 26, 2005 (copy enclosed), submitted
herewith is the required Department of Energy (DOE) Statement for filing in the above-
noted patent application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: *Alan M. Kagen*
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* * * * *

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Alexandria, VA 22313-1450

ATTN: LICENSING AND REVIEW

Sir:

DECLARATION

RECEIVED
NOV - 9 2005
LICENSING & REVIEW

Okay
We, Ronald Martin Horn, F. Peter Ford, Peter L. Andresen, and Jenny Y. Mui,
whose residences are set forth below next to our names, do hereby declare as follows:

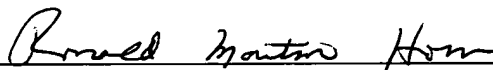
1. That we made and conceived the invention described in the U.S. patent application identified above.

2. That we made and conceived this invention while employed by General Electric Company, a corporation of New York, and to whom we have assigned all right, title and interest by virtue of a previously-filed Assignment document; that the invention is related to the work we are employed to perform and was made within the scope of our duties; that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of our employer, General Electric Company.

3. That to the best of our knowledge and belief the invention was not made or conceived in the course of, or in connection with, or under terms of any contract,

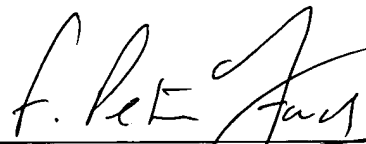
subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors, the Energy Research and Development Administration or the Department of Energy.

4. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



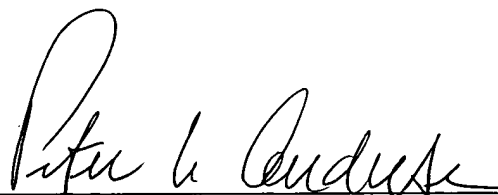
Ronald Martin Horn
1136 Fulton Street
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Date: 5/2/01



F. Peter Ford
19 Nott Road
Rexford, New York 12148

Date: 7th May 2001

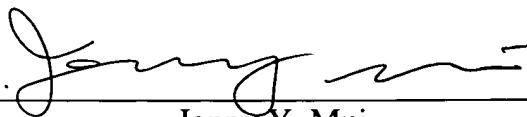


Peter L. Andresen
1204 Rugby Road
Schenectady, New York 12308

Date: 5/7/01

HORN et al.

Serial No. 09/748,144



Jenny Y. Mui

961 Nattinger Way
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Date: 5/11/01

Amk 1585-257



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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24NS5978.4

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/748,144	12/27/2000	Ronald Martin Horn	1585-257

NIXON & VANDERHYE P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
ART UNIT
PATENT & TRADEMARK OFFICE
MAILED

DATE MAILED: OCT 26 2005

This application has been reported by the Examiner as in condition for allowance.

LICENSING & REVIEW

The subject matter of this application appears to be "useful in the production or utilization of special nuclear material or atomic energy" as recited in Section 152 of the Atomic Energy Act of 1954 (Public Law 703, 83rd Congress, 2nd Session, AS AMENDED September 6, 1961 by Public Law 87-206, 87th Congress, 42 U.S.C. 2182). Accordingly, it would appear that no patent can issue on this application until there is filed by the applicant(s), a statement under oath, or in lieu thereof, a declaration (as provided by 35 U.S.C. 25), setting forth the full facts surrounding the making and conception of the invention and whether it was made or conceived in the course of or under any contract, subcontract, or arrangement entered into WITH OR FOR THE BENEFIT OF the Atomic Energy Commission, the Energy Research and Development Administration (Public Law 93-438, 93rd Congress, 42 U.S.C. 5801) or the Department of Energy (Public Law 95-91, 95th Congress, 42 U.S.C. 7101) as required in said section of the Atomic Energy Act.

In the event 35 U.S.C. 202 has been made applicable by express provision in any contract, grant or cooperative agreement with the Department of Energy which may have a relationship to the subject matter of this application, applicant may file a statement under oath, or in lieu thereof a declaration (as provided by 35 U.S.C. 25), to the effect that 35 U.S.C. 202 is applicable, as an alternative to the statement required above. A false statement regarding this applicability of 35 U.S.C. 202 shall be considered a false representation of a material fact which may result in a request for transfer of title to the patent, which issues on this application, to the Department of Energy pursuant to Section 152 of the Atomic Energy Act.

It is considered appropriate for a statement to be filed at this time without formal requirement and this letter has been sent in order to give applicant(s) an opportunity to do so.

Should it be necessary to consider the need for a formal requirement for the statement, no provision is found in the Atomic Energy Act for extension of the time limit of 30 days after requirement is made, set by Section 152.

This application will be reached for processing in about FORTY-FIVE DAYS. Final disposition thereof will be expedited if an appropriate statement is filed during this period.

Respectfully,

SPECIAL LAWS
ADMINISTRATION GROUP

DATES DOCKETED
DUE DEC 10, 2001
C/U NOV 10, 2001

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE ATTENTION OF LICENSING AND REVIEW.